

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION
NO. 7:21-cv-47-M

JOSEPH McALEAR, individually and on behalf
of all others similarly situated,

Plaintiff,

v.

nCINO, INC. and LIVE OAK BANCSHARES,
INC.,

Defendants.

**PLAINTIFF'S UNOPPOSED MOTION
FOR PRELIMINARY APPROVAL OF
PROPOSED CLASS ACTION
SETTLEMENTS**

Fed. R. Civ. P. 23(e)

TO THE PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE THAT Plaintiff Joseph McAlear hereby moves the Court, pursuant to Federal Rule of Civil Procedure 23, for an order as follows:

1. Finding that it will likely approve the Settlements;
2. Finding it will likely certify the Settlement Class upon final approval;
3. Approving the proposed plan of notice and directing notice to the Settlement Class;
4. Appointing Plaintiff's counsel as counsel for the Settlement Class;
5. Appointing Settlement Services, Inc. as the Settlement Administrator;
6. Setting a schedule for disseminating notice to Settlement Class Members, as well as deadlines to comment on, object to, or opt-out of the Settlement Class; and

5. Scheduling a final fairness hearing.

This motion is based on the accompanying memorandum of points and authorities; the Declaration of Anne B. Shaver; all exhibits to such documents; the pleadings and other documents on file in this case; and any argument that may be presented to the Court.

Dated: October 13, 2021

Respectfully submitted,

/s/Anne B. Shaver

Anne B. Shaver
CA Bar No. 255928/CO Bar No. 39933
Dean M. Harvey
CA Bar No. 250298
LIEFF CABRASER HEIMANN & BERNSTEIN, LLP
275 Battery Street, 29th Floor
San Francisco, CA 94111-3339
Telephone: (415) 956-1000
Facsimile: (415) 956-1008
ashaver@lchb.com
dharvey@lchb.com
Local Rule 83.1(e) special appearance counsel

/s/Daniel Lyon

Robert M. Elliot
N.C. State Bar No. 7709
Daniel Lyon
N.C. State Bar No. 43828
ELLIOT MORGAN PARSONAGE, PLLC
426 Old Salem Rd.
Brickenstein-Leinbach House
Winston-Salem, NC 27101
Telephone: (336) 724-2828
Facsimile: (336) 724-3335
rmelliot@emplawfirm.com
dlyon@emplawfirm.com
Local Civil Rule 83.1(d) Counsel for Plaintiff

*Counsel for Individual and Representative Plaintiff Joseph
McAlear*